2: Turnbull E-5 (1951-1958) 1965 FO4 Pygmies FO4
Mbuti

Closer to an indigenous system of pun-
627 [765] ishment is the morning rampage of the youths' section of the *molimo* society. Disguised behind leafy branches they charge through the camp with the *molimo* trumpet on their shoulders, and attack the huts of any truly recalcitrant offenders. Even then, as a token of the responsibility of the entire camp, the youths attack *every* hut to some extent, taking a token leaf from every hut. And still in keeping with the notion of dissipating the blame, they are likely to give the worst beating to the hut of the disputant who is least to blame.

• 681 684 There are two threats that form the ultimate sanctions against the most serious offenses. One is the threat of ostracism, for such crimes as incest, and this is spoken of as leaving the matter to the forest. Ostracism means refusing membership in the band. If one band does this, other bands are likely to follow suit, and the offender 688 will be left alone in the forest, and alone he will die. The other threat 765 is the direct threat of death, but this is reserved among the Epulu 533 Mbuti and other net-hunting bands uniquely for the crime of failure on the part of an adult male to sing (a crime sometimes conversely described as sleeping) during the *molimo* festival. The sacred singing takes place late at night, and its efficacy depends on participation of all the men and youths. It is said that anyone found sleeping (the only conceivable reason for not singing) would be killed with two spears in the stomach and buried beneath the *molimo* hearth. The women would simply be told he had gone away, or been taken by a leopard, and he would never be referred to again.

627 578 The different ways of dealing with a dispute depend so much upon the context rather than upon the precise nature of the dispute that the legal process can best be illustrated by citing a number of cases. It will immediately be apparent that in the vast majority of instances there was no visible conclusion to the disputes at all; they evaporated as quickly as they arose. There were few instances where anything resembling a general opinion was expressed, and even fewer where any positive action was taken. The cases that follow, then, are classified according to the most common causes of dispute. Of such causes food and sex are by far the most common. Territorial disputes are confined to married couples with different territorial affiliations, but whereas food disputes are also largely found among the young (married) hunters, they are by no means always marital, but often between unrelated hunters or their wives, and occasionally among youths. Disputes concerning sex involve both the young married couples and youths, as do the everyday disputes over apparently

3: Turnbull E-5 (1951-1958) 1962 FO4 Pygmies FO4
Mbuti

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The Giver of the Law

CEPHU HAD COMMITTED what is probably one of the most heinous crimes in Pygmy eyes, and one that rarely occurs. Yet the case was settled simply and effectively, without any evident legal system being brought into force. It cannot be said that Cephu went unpunished, because for those few hours when nobody would speak to him he must have suffered the equivalent of as many days solitary confinement for anyone else. To have been refused a chair by a mere youth, not even one of the great hunters; to have been laughed at by women and children; to have been ignored by men—none of these things would be quickly forgotten. Without any formal process of

3: Turnbull E-5 (1951-1958) 1962 FO4 Pygmies FO4
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law Cephu had been firmly put in his place, and it was unlikely he would do the same thing again in a hurry.

181 This was typical of all Pygmy life, on the surface at least. There was a confusing, seductive informality about everything they did. [157] Whether it was a birth, a wedding, or a funeral, in a Pygmy hunting camp or in a Negro village, there was always an unexpectedly casual, [621] almost carefree attitude. There was, for instance, little apparent specialization; everyone took part in everything. Children had little or [858] no voice in adult affairs, but the only adult activities from which they seemed to be rigidly excluded were certain songs, and of course the [462] molimo. Between men and women there was also a certain degree of specialization, but little that could be called exclusive.

621 There were no chiefs, no formal councils. In each aspect of Pygmy
627 life there might be one or two men or women who were more prominent than others, but usually for good practical reasons. This showed up most clearly of all in the settling of disputes. There was no judge, [69] no jury, no court. The Negro tribes all around had their tribunals, but not the Pygmies. Each dispute was settled as it arose, according to its nature.

627 Roughly, there were four ways of punishing offenses, each operat-
681 ing as an efficient deterrent but without necessitating any system of outright punishment. In a small and co-operative group no individual would want the job either of passing judgment or of administering punishment, so like everything else in Pygmy life the maintenance of law was a co-operative affair. Certain offenses, rarely committed, were considered so terrible that they would of themselves bring some form of supernatural retribution. Others became the affair of the molimo, which in its morning rampages showed public disapproval by attacking the hut of the culprit, possibly the culprit himself. Both these types of crime were extremely rare. The more serious of [685] other crimes, such as theft, were dealt with by a sound thrashing which was administered co-operatively by all who felt inclined to

participate, but only after the entire camp had been involved in discussing the case. Less serious offenses were settled in the simplest way, by the litigants themselves either arguing out the case, or engaging in a mild fight.

I came across only one instance of the first type of crime. We had all eaten in the evening and were sitting around our fires. It was with Kenge and a group of the bachelors, talking about something quite trivial, when all of a sudden there was a tremendous wailing and crying from Cephu's camp. A few seconds later there was shouting from the path connecting the two camps and young Kelemoke came rushing through our camp, hotly pursued by other youths who were armed with spears and knives. Everyone ran into the huts and closed the little doorways. The bachelors, however, instead of going in with their families, ran to the nearest trees and climbed up into the lower branches. I followed Kenge up one of the smaller trees and sat among the ants, whose persistent biting I hardly noticed. What was going on below took all my attention.

Kelemoke tried to take refuge in a hut, but he was turned away with angry remarks, and a burning log was thrown after him. Masisi yelled at him to run to the forest. His pursuers were nearly on top of him when they all disappeared at the far end of the camp.

At this point three girls came running out of Cephu's camp, right into the middle of our clearing. They also carried knives—the little paring knives they used for cutting vines and for peeling and shredding roots. They were not only shouting curses against Kelemoke and his immediate family, but they were weeping, with tears streaming down their faces. When they did not find Kelemoke, one of them threw her knife into the ground and started beating herself with her fists, shouting over and over again, "He has killed me, he has killed me!" After a pause for breath she added, "I shall never be able to live again!" Kenge made a caustic comment on the logic of the statement, from the safety of his branch, and immediately the girls turned